

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 1<sup>st</sup> day of August, two thousand and six.

PRESENT:

HON. WILFRED FEINBERG,  
HON. JON O. NEWMAN,  
HON. CHESTER J. STRAUB,  
*Circuit Judges.*

Xiang Lin,

*Petitioner,*

-v.-

No. 04-6426-ag  
NAC

Alberto R. Gonzales,<sup>1</sup>

*Respondents.*

FOR PETITIONER: Karen Jaffe, New York, New York.

FOR RESPONDENT: Because the Court did not receive a brief from the respondent within fifteen days of the May 15, 2006, due date specified in the scheduling order issued April 12, 2006, this case has been decided without the benefit of respondent's brief. *See* Local Rule § 0.29(d).

UPON DUE CONSIDERATION, it is hereby ORDERED, ADJUDGED, AND DECREED that the petition for review of a decision of a Board of Immigration Appeals ("BIA") is DENIED.

<sup>1</sup> Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Attorney General Alberto R. Gonzales is automatically substituted for former Attorney General John Ashcroft as the respondent in this case.

1 Xiang Lin, a citizen of China, appeals from the BIA's order affirming Immigration Judge  
2 ("IJ") Vivienne E. Gordon-Uruakpa's order denying her application for asylum, withholding of  
3 removal and relief under the Convention Against Torture ("CAT"). We assume the parties  
4 familiarity with the underlying facts and procedural history of the case.

5 When the BIA issues an opinion that fully adopts the IJ's decision, this Court reviews the  
6 IJ's decision. *See, e.g., Chun Gao v. Gonzales*, 424 F.3d 122, 124 (2d Cir. 2005); *Secaida-*  
7 *Rosales v. INS*, 331 F.3d 297, 305 (2d Cir. 2003). This Court reviews the agency's factual  
8 findings, including adverse credibility determinations, under the substantial evidence standard,  
9 treating them as "conclusive unless any reasonable adjudicator would be compelled to conclude  
10 to the contrary." 8 U.S.C. § 1252(b)(4)(B); *see, e.g., Zhou Yun Zhang v. U.S. INS*, 386 F.3d 66,  
11 73 & n.7 (2d Cir. 2004).

12 Lin's counsel, Karen Jaffe, filed a petition for review with this Court claiming that Lin  
13 has a well-founded fear of persecution. Jaffe does not, however, challenge the IJ's findings with  
14 regard to the following: (1) Lin's failure to show that she suffered past persecution; (2) Lin's  
15 failure to establish a nexus between her practice of Falun Gong and the police visits to her house  
16 (3) Lin's failure to corroborate her claims; and (4) Lin's failure to show her eligibility for  
17 withholding of removal and CAT relief. Due to Jaffe's utter failure to address any of these  
18 dispositive issues in her brief, we consider them waived, *see Yueqing Zhang v. Gonzales*, 426  
19 F.3d 540, 545 n.7 (2d Cir. 2005), and see no reason to disturb the agency's determination.

20 For the foregoing reasons, the petition for review is DENIED. Having completed our  
21 review, Lin's pending motion for a stay of removal in this petition is DENIED as moot.

22 FOR THE COURT:  
23 Roseann B. MacKechnie, Clerk  
24 By: \_\_\_\_\_  
25 Oliva M. George, Deputy Clerk